

REMARKS

This Amendment is responsive to the official action dated January 5, 2007. Claims 1, 2, 4-31, 33, 35-53, 55, and 57-95 were pending in the application. In the official action, claims 1, 2, 4, 5, 7, and 53 were rejected. In this Amendment, claims 1, 4, and 53 have been amended. Claims 1, 2, 4, 5, 7, and 53 thus remain for consideration.

Applicant submits that claims 1, 2, 4, 5, 7, and 53 are now in condition for allowance and requests reconsideration and withdrawal of the rejections in light of the following remarks.

\$102 Rejections

Claims 1, 2, 4, 5, 7, and 53 were rejected under 35 U.S.C. §102(e) as being anticipated by Masui et al. (U.S. Patent No. 6,393,013).

Applicant respectfully submits that independent claims 1 and 53 are patentable over Masui.

Applicant's invention as recited in claims 1 and 53 is directed toward a communication method and a communication terminal. Each of the claims recites that "real-time data is communicated via [a] channel during a real-time region of [a] communication cycle and non-real-time data is communicated via said channel during a random access region of said communication cycle."

Masui fails to disclose communicating real-time data during a real-time region of a communication cycle and communicating non-real-time data during a random access region of the communication cycle, wherein the communication of real-time data and non-real-time data are communicated via the same channel. Indeed, Masui discloses communicating reservation data on a reservation channel, communicating reply data on a

reply channel, and communicating traffic data on a traffic channel. (See e.g. Masui Fig. 2A.) Accordingly, Applicant believes that claims 1 and 53 are patentable over Masui on at least this basis.

Moreover, Applicant notes that claim 1 further recites that "[a] communication terminal intending to start communication allocates its own communication timing." By contrast, Masui teaches that a base station allocates time slots to communication terminals. (See e.g. Masui col. 4, lines 23-43). Thus, Applicant believes that claim 1 is further distinguishable from Masui on this basis.

Claims 2, 4, 5, and 7 depend from claim 1. Since dependent claims inherit the limitations of their respective base claims, claims 2, 4, 5, and 7 are believed to be patentable over Masui for at least the same reasons discussed in connection with claim 1.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

Application No.: 09/762,424

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The Examiner's consideration of this matter is gratefully acknowledged.

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Respectfully submitted,

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